

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN NICHOLS,)
)
Plaintiff,)
)
v.) No. CIV-11-852-L
)
MICHAEL J. ASTRUE,)
Commissioner, Social Security)
Administration,)
)
Defendant.)

O R D E R

Plaintiff brings this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits under the Social Security Act. Pursuant to 28 U.S.C. § 636(b), this matter was referred to the Honorable Robert E. Bacharach for initial decision. On June 22, 2012, Judge Bacharach issued a Report and Recommendation, recommending that the Commissioner's decision be affirmed.

The court file reflects that no party objected to the Report and Recommendation within the time limits prescribed. “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.”

United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996). As plaintiff failed to object to Judge Bacharach’s Report and Recommendation, he has waived any issues that could have been presented to this court. Nonetheless,

the court has conducted a de novo review of this matter. Based on that review, the court finds that substantial evidence supports the Commissioner's findings. The decision of the Commissioner is therefore AFFIRMED. Judgment will issue accordingly.

It is so ordered this 13th day of July, 2012.

Tim Leonard
TIM LEONARD
United States District Judge